

USSN: 10/689,942  
Atty. Docket No.: 2002B159/2  
Amendment dated October 11, 2006  
Reply to Office Action of September 25, 2006

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### REMARKS

Applicants are in receipt of the September 25, 2006, *Notice of Not Fully Responsive Reply* for Applications under Accelerated Examination. In the Notice, the Examiner states that in their Response dated June 29, 2006, Applicants failed to include any argument in the "Remarks" section and improperly indicated that there were no amendments to the claims. Applicants apologize for the typographical error on the first page of the Response incorrectly indicating that no claims were currently amended. The claims were indeed amended and were marked "Currently Amended" in the "Listing of Claims" section and discussed in the "Remarks" section of the Response. Applicants have corrected the typographical error.

Additionally, Applicants fully explained and discussed all of the amendments to the claims, their disagreements with the Examiner's rejections, and how the amended claims are distinguished from the cited prior art in the Remarks section. Applicants believe that their Remarks were lost during transmission or Office handling. Therefore, Applicants are resubmitting their Response of June 29, 2006 below.

Applicants are in receipt of the Examiner's Office Action mailed April 3, 2006 in which the Examiner: (1) rejected claims 1, 2, 5, 7, 10-12, 14-16, and 18-26 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,631,316 to *Costemalle et al.*; (2) rejected claims 1-5, 7, 10, 14-16, 18, 19, 23, 25, and 26 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,621,045 to *Patel et al.*; (3) withdrew the rejection in light of U.S. Patent No. 6,620,871 to *Wilson*; (3) withdrew the rejection of claims 1, 2, 10-16, and 18-26 as obvious under 35 U.S.C. § 103(a) in light of *Costemalle et al.* combined with U.S. Patent No. 6,372,851 to *Theelen*; and (4) rejected claims 1, 2, 5, 7, 10-12, 14-16, and 18-26 as obvious under 35 U.S.C. § 103(a) in light of *Wilson* combined with U.S. Patent No. 5,001,185 to *Teratani et al.* The Examiner has also issued a provisional obviousness-type double patenting rejection and again refused to consider the reference included in the IDS.

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### § 102 Rejections

#### § 102(b) Rejection over *Costemalle et al.*

Applicants have amended independent claims 1, 24, and 25 to unambiguously recite a grafted material. Because all of the claims now unambiguously recite a grafted material, for the reasons set forth in Applicants' previous Office Action response (namely that *Costemalle et al.* does not teach or suggest the use of a grafted material), incorporated herein by reference, Applicants believe that the claims are now allowable over *Costemalle et al.* For at least this reason, Applicants respectfully request reconsideration and withdrawal of this rejection.

#### § 102(e) Rejection over *Wilson*

Applicants thank the Examiner for withdrawing the rejection in light of *Wilson*.

#### § 102(b) Rejection over *Patel et al.*

The Examiner has rejected claims 1-5, 7, 10, 14-16, 18, 19, 23, 25, and 26 in light of *Patel et al.* Applicants respectfully disagree.

According to the Office Action, *Patel et al.* discloses "compositions comprising semicrystalline polyolefins and blends of a crosslinked rubber." Particularly, the Examiner asserts that "[t]he compositions are crosslinked with conventional crosslinking agents to form graft polymers." However, the crosslinked compositions are crosslinked polymers, not graft resins or graft oligomers of cyclopentadiene, substituted cyclopentadiene, C<sub>5</sub> monomers, and/or C<sub>9</sub> monomers, as recited in the claims. Indeed, crosslinking is the act of attaching two polymer chains together. (HAWLEY'S CONDENSED CHEMICAL DICTIONARY 309 (14th ed. 2001) (Exhibit A)). A grafted polymer is one in which a polymeric or monomeric chain is attached to a polymer backbone, not the connection of two polymer chains. (HAWLEY'S CONDENSED CHEMICAL DICTIONARY 546 (14th ed. 2001) (Exhibit A)). Thus, because *Patel et al.* does not disclose grafting and because grafting and crosslinking are different, *Patel et al.* does not teach every element of the instant claims and does not anticipate the instant claims.

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Additionally, *Patel et al.* does not contain a suggestion or motivation to modify its teaching to include a grafted resin or grafted oligomer.

For at least this reason, Applicants believe that the instant claims are not anticipated under § 102(b) by *Patel et al.* and respectfully request that the Examiner withdraw this rejection.

### § 103 Rejections

§ 103(a) rejection over *Costemalle et al.* and further in view of U.S. Patent No. 6,372,821 to *Theelen*

Applicants thank the Examiner for withdrawing the rejection in light of *Costemalle et al.* in view of *Theelen*.

§ 103(a) rejection over *Wilson* in view of U.S. Patent No. 5,001,185 to *Teratani et al.*

Neither *Wilson* nor *Teratani et al.* teach a grafted resin or grafted oligomer as now unambiguously recited in every pending claim.<sup>1</sup> The Examiner has not asserted otherwise. Thus, the Examiner has not (and can not) set forth a *prima facie* case of obviousness, namely that the combined references teach every element of the claims. For at least this reason, Applicants respectfully request that this rejection be reconsidered and withdrawn.

### Obviousness-Type Double Patenting Rejection

Application Serial No. 10/690,758 has been abandoned. Applicants respectfully request that the obviousness-type double patenting rejection be withdrawn.

### Information Disclosure Statement

The Examiner again did not consider the "Abstract from Shanghai Tire Rubber Ltd" (Reference AN) in the IDS submitted with the previous Office Action response. Applicants reiterate that they are unaware of the month of publication of the reference. However, for the

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<sup>1</sup> Applicants also incorporate their previous response of January 20, 2006, herein by reference.

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sake of having the reference considered, Applicants have listed the month of publication as January 1993 (the earliest month in which the reference could have been published in 1993). Applicants stress that they are unaware of the actual month of publication of the reference. Thus, Applicants resubmit the Abstract from Shanghai Tire Rubber Ltd. and respectfully request consideration of the reference.

### Conclusion

For the reasons advanced above, Applicants respectfully submit that all pending claims are patentable as amended. Allowance of all pending claims is earnestly solicited. If the Examiner has any further comments or questions or believes that a telephone conference will assist or expedite examination of the application, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account No. 05-1712 in the name of ExxonMobil Chemical Company.

Respectfully submitted,

Date: 10 Oct 06

  
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